

Message Text

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ACTION EB-07

INFO OCT-01 AF-08 ISO-00 ERDA-05 AID-05 CEA-01 CIAE-00

CIEP-01 COME-00 DODE-00 FEAE-00 FPC-01 H-02 INR-07

INT-05 L-03 NSAE-00 NSC-05 OMB-01 PM-04 USIA-06

SAM-01 OES-06 SP-02 SS-15 STR-04 TRSE-00 ACDA-07 /097 W
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R 111538Z AUG 76

FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 5159

INFO AMCONSUL CAPE TOWN

LIMITED OFFICIAL USE PRETORIA 3562

E.O. 11652: N/A

TAGS: ESTC, ENRG, SA, RH, EINV

SUBJ: ALLEGED DIVERSIONS TO RHODESIA BY MOBIL OIL SOUTH AFRICA

REF: PRETORIA 3480

SUMMARY. MOBIL OFFICIALS HAVE BEEN ADVISED BY TWO PRIVATE ATTORNEYS AND BY SA SECRETARY OF COMMERCE THAT ANY EFFORT TO ELICIT INFORMATION FROM THEIR SA SUBSIDIARY ON ALLEGED DIVERSIONS TO RHODESIA PLACES BOTH PARTIES IN VIOLATION OF OFFICIAL SECRETS ACT. THEY HAVE ACCORDINGLY ABANDONED EFFORTS TO PURSUE THEIR INVESTIGATION HERE. END SUMMARY.

1. DURING SECOND VISIT TO EMBASSY, PRESIDENT OF MOBIL INTERNATIONAL KLAERNER SAID HE HAD BEEN ADVISED BY TWO SA ATTORNEYS THAT, IN INVESTIGATING METTER HERE UNDER TREASURY DEPT INSTRUCTIONS (AS OPPOSED TO NORMAL INQUIRY ADDRESSED TO SUBSIDIARY FOR COMMERCIAL PURPOSES), MOBIL OFFICERS CONSIDERED "FOREIGN AGENTS". SIMPLY ASKING QUESTIONS OF MANAGING DIRECTOR BECK OF MOBIL SA PLACES THEM IN CONTRAVENTION OF OFFICIAL SECRETS ACT. FAILURE OF BECK TO INFORM SAG THAT QUESTIONS RAISED WOULD ALSO PLACE HIM IN CONTRAVENTION. KLAERNER HAD
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ALSO ASCERTAINED THAT IF HE SUMMONED RHODESIAN MANAGER

OF MOBIL TO SA FOR QUESTIONING, BOTH WOULD BE IN VIOLATION OF RHODESIAN LAW. ACCORDINGLY, MOBIL INTL HAS REFRAINED FROM PURSUING INVESTIGATION. (KLAERNER GAVE AMB EXTENSIVE LIST OF QUESTIONS THEY INTENDED TO RAISE.)

2. KLAERNER ALSO VISITED SECRETARY OF COMMERCE STEYNS AND OUTLINED TO HIM TREASURY, UN AND CONGRESSIONAL CONCERNS, ASSURED HIM NO VENDETTA BEING CARRIED OUT AGAINST SA BUT WANTED MOBIL TO GET CLEAN BILL OF HEALTH. ASKED FOR SUGGESTIONS FOR GETTING ANSWERS TO QUESTION WITHOUT VIOLATING SA LAW.

3. STEYNS AGREED WITH PRIVATE ATTORNEYS' OPINIONS ON APPLICABILITY OF OFFICIAL SECRETS ACT. POINTED OUT FURTHER THAT ALL OIL COMPANIES IN SA WERE OBLIGATED TO SELL SUPPLIES TO SA CUSTOMERS WITHOUT QUESTIONING ULTIMATE USE OR DESTINATION. IF SA LAW COMES INTO CONFLICT WITH LAWS OF OTHER COUNTRY, THIS BECOMES GOVT-TO-GOVT MATTER AND SHOULD BE HANDLED AS SUCH.

4. KLAERNER TOLD AMB HE WAS PERSONALLY CONVINCED MOBIL SA WAS NOT GUILTY OF DIVERSIONS. ADDUCED TWO REASONS: (A) SINCE MOBIL HAD NO RIGHT TO REFUSE SALE TO ANY CLIENT AND INFORMATION AS TO DESTINATION IS CLASSIFIED, NO PURPOSE SERVED BY SETTING UP ELABORATE PAPER CHASE THROUGH MANY COMPANIES; (B) NAMES USED IN MEMORANDA WERE REAL, BUT INDIVIDUALS WERE NOT IN LOGICAL POSITIONS TO BE AUTHORS OR ADDRESSEES OF THEM. KLAERNER FELT MEMORANDA WERE VERY CLEVER FALSIFICATIONS. HOWEVER, HE WAS NOT EVEN PERMITTED UNDER SA LAW TO ASK MOBIL OFFICIALS WHETHER THEY HAD SIGNED MEMORANDA.

5. KLAERNER RETURNING TO US TODAY, AUG 11.
BOWDLER

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